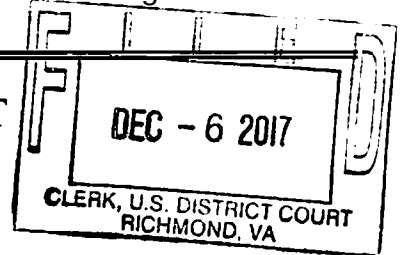


UNITED STATES DISTRICT COURT

for the
Eastern District of Virginia



In the Matter of the Search of
(Briefly describe the property to be searched
or identify the person by name and address)

A Chevrolet Cruze, Virginia license VRA-1908, VIN:
1G1PC5SB6D7148273, described in Attachment A

Case No. 3:17SW258

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

A Chevrolet Cruze, Virginia license VRA-1908, VIN: 1G1PC5SB6D7148273, more fully described in Attachment A located in the Eastern District of Virginia, there is now concealed (identify the person or describe the property to be seized):
See attachment B

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;
- ☒ contraband, fruits of crime, or other items illegally possessed;
- ☒ property designed for use, intended for use, or used in committing a crime;
- ☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section
Title 18, United States Code, Bank Robbery
Section 2113 (a)

Offense Description

The application is based on these facts:
See attached affidavit.

☒ Continued on the attached sheet.

☐ Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

Applicant's signature

TFO Philip Johnakin
Printed name and title

Sworn to before me and signed in my presence.

Date: 12/06/2017

City and state: Richmond, VA

Roderick C. Young
United States Magistrate Judge
Judge's signature

Honorable Roderick C. Young, U.S. Magistrate Judge
Printed name and title

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division

IN THE MATTER OF THE SEARCH OF
Chevrolet Cruze, Virginia license VRA-1908,
VIN: 1G1PC5SB6D7148273, currently located
in the Virginia Beach Police Impound Lot
2667 Leroy Road, Virginia Beach, Virginia
23456

Case No. 3:17SW258

**AFFIDAVIT IN SUPPORT OF AN
APPLICATION UNDER RULE 41 FOR A
WARRANT TO SEARCH AND SEIZE**

Your affiant, Philip Johnakin, being duly sworn, hereby states:

I. Affiants Background and Experience

1. I make this affidavit in support of an application under Rule 41 of the Federal Rules of Criminal Procedure for a search warrant authorizing the examination of property—an electronic device—which is currently in law enforcement possession, and the extraction from that property of all electronically stored information.

2. Your affiant is a law enforcement officer within the meaning of Title 18, United States Code, Section 2510(7), that is, an officer of the United States who is empowered by law to conduct investigations of, and to make arrests for, offenses enumerated in Title 18, United States Code, Section 2516. I have over eighteen years of law enforcement experience stemming from employment as a Police Officer with the Henrico County Division of Police. Currently, I am a duly appointed Task Force Officer with the Federal Bureau of Investigation (FBI) and have been so since October 2015. I am assigned to the Richmond FBI's Central Virginia Violent Crimes Task Force and my duties include investigating bank robberies, armored car robberies, extraterritorial offenses, kidnappings, armed carjackings and theft of government property. I have investigated numerous criminal violations and have obtained arrest and search warrants. I

have personally participated in the investigation set forth below. The crimes I investigate are violent and usually involve two or more individuals and I am familiar with the methods violent offenders use to conduct their illegal activities, to include their communication methods.

3. I am familiar with the facts and circumstances of the investigation through my personal participation; from discussions with other agents of the FBI and other law enforcement agencies; from my discussions with witnesses involved in the investigation; and from my review of records and reports relating to the investigation. Unless otherwise noted, wherever in this affidavit I assert that a statement was made, the information was provided by another FBI agent, law enforcement officer or witness who may have had either direct or hearsay knowledge of that statement and to whom I or others have spoken or whose reports I have read and reviewed. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other agents and witnesses. This affidavit is intended to show merely that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter.

4. I am aware that Title 18 of the United States Code, Section 2113(a), makes it a crime for whoever, by force and violence, or by intimidation, takes, or attempts to take, from the person or presence of another, or obtains or attempts to obtain by extortion any property or money or any other thing of value belonging to, or in the care, custody, control, management, or possession of, any bank, credit union, or any savings and loan association.

RELEVANT STATUTORY PROVISIONS

1. **Bank Robbery:** 18 U.S.C. § 2113(a)

PROBABLE CAUSE

1. The FBI is investigating a series of nine robberies (and one attempted robbery) of banks within the Eastern District of Virginia, Western District of Virginia, and the Middle District of North Carolina.

2. The first robbery took place on July 24, 2017. An UNKNOWN SUBJECT entered the Union Bank & Trust located at 5510 Morris Road, Spotsylvania, VA. The UNKNOWN SUBJECT stood in the teller line until he was helped by M.S., a victim teller. The UNKNOWN SUBJECT held a note up to M.S. that demanded money. The UNKNOWN SUBJECT verbally told M.S. he wanted large bills. M.S. complied with the demand note shown to her by the UNKNOWN SUBJECT giving him approximately \$1,100 in United States currency belonging to Union Bank & Trust. The UNKNOWN SUBJECT then fled the bank on foot. The UNKNOWN SUBJECT was described as a black male, approximately 6'02" tall, heavy set, wearing a black baseball hat, black T-shirt, blue jeans, and shoes with a white sole. Union Bank & Trust is insured by the Federal Deposit Insurance Corporation (FDIC).

3. The second robbery took place on August 11, 2017. An UNKNOWN SUBJECT entered the PNC Bank located at 2864 Jefferson Davis Highway, Fredericksburg, VA, in Stafford County, VA. The UNKNOWN SUBJECT stood in the teller line until he was helped by E.S., a victim teller. The UNKNOWN SUBJECT held a note up to E.S. which stated he had a firearm and demanded large bills and no dye packs. E.S. complied with the demand note shown to her by the UNKNOWN SUBJECT, giving him approximately \$3,100 in United States currency belonging to PNC Bank. The UNKNOWN SUBJECT then fled the bank on foot. The UNKNOWN SUBJECT was described as a black male approximately 6'0", approximately 200 lbs. with a scruffy beard, wearing a black baseball hat, black T-shirt, blue pants, and shoes with a

white sole. The Federal Deposit Insurance Corporation (FDIC) insures PNC Bank.

4. The third robbery took place on August 30, 2017. An UNKNOWN SUBJECT entered the BB&T Bank located at 7016 Mechanicsville Turnpike, in Hanover County, VA. The UNKNOWN SUBJECT stood in the teller line until he was helped by B.B., a victim teller. The UNKNOWN SUBJECT held a note up to B.B. that demanded money and no dye packs. B.B. complied with the demand note shown to her by the UNKNOWN SUBJECT, giving him approximately \$458 in United States currency belonging to BB&T Bank. The UNKNOWN SUBJECT then fled the bank on foot. The UNKNOWN SUBJECT was described as a black male with a scruffy beard, wearing a baseball hat with a green cap and blue bill, black T-shirt, blue pants, and shoes with a white sole. A review of the surveillance video from the robbery by law enforcement showed the UNKNOWN SUBJECT had a scar on his right forearm. The Federal Deposit Insurance Corporation (FDIC) insures the BB&T Bank.

5. The fourth robbery took place on September 5, 2017. An UNKNOWN SUBJECT entered the Wells Fargo Bank located at 10190 Staples Mill Road, in Henrico County, VA. The UNKNOWN SUBJECT stood in the teller line until he was helped by L.W., a victim teller. The UNKNOWN SUBJECT held a note up to L.W. that stated he had a firearm and demanded large bills and no dye packs. L.W. complied with the demand note shown to her by the UNKNOWN SUBJECT giving him approximately \$3,000 in United States currency belonging to Wells Fargo Bank. The UNKNOWN SUBJECT then fled the bank on foot. The UNKNOWN SUBJECT was described as a black male with a scruffy beard, wearing a baseball hat with a green cap and blue bill, black T-shirt, blue jean pants, and shoes with a white sole. A review of external surveillance video showed the UNKNOWN SUBJECT was operating a light colored 4-door

vehicle with 5 spoke rims and a sunroof and damage to the passenger front quarter panel. The Federal Deposit Insurance Corporation (FDIC) insures Wells Fargo Bank.

6. The fifth robbery took place on October 20, 2017. An UNKNOWN SUBJECT entered the Union Bank & Trust located at 8300 Bell Creek Road, in Hanover County, VA. The UNKNOWN SUBJECT entered the bank and walked up to H.H., victim teller. The UNKNOWN SUBJECT held a note up to H.H. that stated he had a firearm and demanded large bills and no dye packs or marked bills. H.H. complied with the demand note shown to her by the UNKNOWN SUBJECT giving him approximately \$700 in United States currency belonging to Union Bank and Trust. The UNKNOWN SUBJECT then fled the bank on foot. The UNKNOWN SUBJECT was described as a black male with a scruffy beard, wearing a baseball hat with a green cap and red bill, black T-shirt, blue jean pants, and shoes with a white sole. The Federal Deposit Insurance Corporation (FDIC) insures Union Bank & Trust.

7. The sixth robbery also took place on October 20, 2017. An UNKNOWN SUBJECT entered the Union Bank & Trust located at 9605 Gayton Road, in Henrico County, VA, and walked up to M.R., a victim teller. The UNKNOWN SUBJECT held a note up to M.R. that stated he had a firearm and demanded large bills and no dye packs or marked bills. M.R. complied with the demand note shown to her by the UNKNOWN SUBJECT giving him approximately \$1,400 in United States currency belonging to Union Bank and Trust. The UNKNOWN SUBJECT then fled the bank on foot. The UNKNOWN SUBJECT was described as a black male with a scruffy beard, wearing a baseball hat with a green cap and red bill, black T-shirt, blue jean pants, and shoes with a white sole. The Federal Deposit Insurance Corporation (FDIC) insures Union Bank & Trust.

8. On November 6, 2017, an UNKNOWN SUBJECT attempted a robbery at the Union Bank & Trust located at 11163 Nuckols Road, in Henrico County, VA. C.N., a bank teller, was working behind the teller line and was helping a customer when she saw the UNKNOWN SUBJECT and instantly recognized him from an FBI media release regarding the previous robberies. After C.N. was done helping her customer, the UNKNOWN SUBJECT approached her and removed a folded paper from his back pocket. C.N. excused herself to get another bank employee to have them also observe the UNKNOWN SUBJECT. Ultimately, the tellers called 9-1-1 to report a robbery suspect being in the bank. C.N. returned to the teller line and found the UNKNOWN SUBJECT was no longer in the bank.

9. A seventh completed robbery also took place on November 6, 2017. An UNKNOWN SUBJECT entered the Chesapeake Bank located at 6619 Richmond Road, Williamsburg, VA. The UNKNOWN SUBJECT entered the bank and walked up to H.S., a victim teller. The UNKNOWN SUBJECT held a note up to H.S. that stated he had a firearm and demanded large bills and no dye packs or marked bills. H.S. complied with the demand note shown to her by the UNKNOWN SUBJECT giving him approximately \$2,000 in United States currency belonging to Chesapeake Bank. The UNKNOWN SUBJECT then fled the bank on foot. The UNKNOWN SUBJECT was described as a black male with a scruffy beard, wearing a baseball hat with a green cap and red bill, black T-shirt, blue jean pants, and shoes with a white sole. The Federal Deposit Insurance Corporation (FDIC) insures Chesapeake Bank.

10. The eighth completed robbery took place on November 13, 2017. An UNKNOWN SUBJECT entered the Union Bank & Trust located at 1330 Parham Circle, Charlottesville, VA. The UNKNOWN SUBJECT entered the bank and walked up to H.V., a

victim teller. The UNKNOWN SUBJECT slid a note up to H.V. that stated he had a firearm and demanded large bills and no dye packs or marked bills. H.V. complied with the demand note shown to her by the UNKNOWN SUBJECT giving him approximately \$880.00 in United States currency belonging to Union Bank & Trust. The UNKNOWN SUBJECT then fled the bank on foot. The UNKNOWN SUBJECT was described as a black male with a scruffy beard, wearing a baseball hat with a green cap, dark colored zip-up jacket, black T-shirt, and blue jean pants. The Federal Deposit Insurance Corporation (FDIC) insures Union Bank & Trust.

11. The ninth completed robbery took place on November 16, 2017. An UNKNOWN SUBJECT entered the Wells Fargo Bank located at 900 W. Club Boulevard, Durham, NC. The UNKNOWN SUBJECT stood in the teller line until he was helped by E.R., a victim teller. The UNKNOWN SUBJECT slid a note up to E.R. that stated he had a firearm and demanded large bills and no dye packs. E.R. complied with the demand note shown to her by the UNKNOWN SUBJECT giving him approximately \$8,200 in United States currency belonging to Wells Fargo Bank. The UNKNOWN SUBJECT then fled the bank on foot. The UNKNOWN SUBJECT was described as a black male with a scruffy beard, wearing a baseball hat, black T-shirt, dark colored jacket, and dark jean pants. The Federal Deposit Insurance Corporation (FDIC) insures Wells Fargo Bank.

12. On November 20, 2017, law enforcement reviewed still images from each of the nine bank robberies. Law enforcement believes the same subject committed all nine robberies, which is based on the modus operandi (MO), the wording of the note shown to the victim tellers, and the comparison of the person in the still images from each of the robberies.

13. On November 22, 2017, your affiant developed RUSSELL TYRONE CARTER as the possible subject of all nine robberies. CARTER is currently on active probation with the

Virginia Department of Probation and Parole and CARTER's Probation Officer is Jennifer Gordon-Johnson.

14. On November 29, 2017, your affiant spoke with Virginia Department of Probation Officer Gordon-Johnson. Your affiant showed Probation Officer Gordon-Johnson multiple still images from the above listed bank robberies and asked Ms. Gordon-Johnson if she knew the subject in the photographs. Probation Officer Gordon-Johnson stated she did, and went on to say it was CARTER.


15. On December 4, 2017, members of the FBI CVVCTF and Norfolk Violent Crime Task Force located CARTER at the Circle K located at 1612 Laskin Road, Virginia Beach, Virginia. CARTER was operating a light silver 4-door Chevrolet with 5 spoke rims and a sunroof. The vehicle was also found to have passenger front quarter panel damage. Law enforcement agents made contact with CARTER and found CARTER had a scar on his right forearm matching the one seen in the surveillance video of the BB&T Bank robbery on August 30, 2017. CARTER was arrested on a criminal complaint charging him with the robberies from August 30, 2017, and September 5, 2017.

16. Because this affidavit is being submitted for the limited purpose of securing a search warrant, I have not included each and every fact known to me concerning this investigation. I have set forth facts that I believe are necessary to search the Chevrolet Cruze, Virginia license VRA-1908, VIN: 1G1PC5SB6D7148273, which was detained above as being used in the September 5, 2017 robbery of the Wells Fargo Bank.

CONCLUSION

17. I submit that this affidavit supports probable cause for a search warrant authorizing the search of the Chevrolet Cruze, Virginia license VRA-1908, VIN: 1G1PC5SB6D7148273, described in Attachment A, to seek the items described in Attachment B.

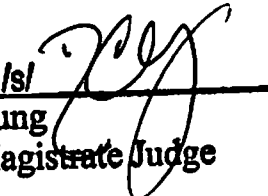
Respectfully Submitted,



Philip Johnakin
Task Force Officer
Federal Bureau of Investigation

Reviewed and approved: Peter S. Duffey, AUSA

SUBSCRIBED and SWORN before me this 6th day of December, 2017.



/s/
Roderick C. Young
United States Magistrate Judge

ATTACHMENT A

1. Chevrolet Cruze, Virginia license VRA-1908, VIN: 1G1PC5SB6D7148273, currently located in the Virginia Beach Police Impound Lot 2667 Leroy Road, Virginia Beach, Virginia 23456

ATTACHMENT B

All records and other tangible items that relate to violation of 18 U.S.C. § 2113(a) and involve

RUSSELL TYRONE CARTER, including:

1. Demand Notes
2. Note Pads
3. United States Currency
4. Money straps
5. Firearms
6. Ammunition
7. Baseball hats to include, but not limited to, a solid color green, drab, solid dark colored hat, multi colored hat with solid colored bill and different colored cap (green cap and red bill, green cap and blue bill)
8. Zip-up dark colored jacket.
9. White tennis shoes.
10. All receipts, including those for the purchase of gas, food, or drinks from the dates listed above as the robbery dates.